IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4473 OF 2004

Dayalal Tejshi Faria & Ors. .. Petitioners
Vs.
M/s.V.R.Constructions .. Respondent.

Mr.P.S.Dani for the petitioners.

CORAM : D.B.BHOSALE, J.

DATED : 23RD FEBRUARY, 2005

P.C.:

. Heard Mr.Dani, learned counsel for the petitioners.

2. This petition is directed against the order dated 22.4.2002 by which Miscellaneous Civil Appeal No.120 of 2000 filed by the respondent-defendant has been allowed and the order dated 10.8.2000 passed below Exhibit-5 filed by the petitioner-plaintiff in Regular Civil Suit No.218 of 2000 has been set aside. There is no interim order running in favour of the petitioners since 22.4.2002. Keeping that in view and considering the findings recorded by the courts below, in my opinion, appropriate course would be to direct the trial Court to dispose of the suit within time frame. Hence the following order:

(a) The trial Court shall decide Regular Civil Suit No.218 of 2000 as expeditiously as possible and preferrably within a period of one year from the date of receipt of this order.

(b) The trial Court shall decide the suit on merits in accordance with law and uninfluenced by the observations made by the courts below in the instant proceeding arising out of Exhibit-5 application.

(c) The petitioners to produce a copy of this order before the trial Court within four weeks from today.

. The writ petition is, accordingly, disposed of.

(D.B.Bhosale, J.)